

### **REMARKS**

Claims 1, 3, 6 and 8 are pending and under consideration in the above-identified application. Claims 2, 4, 5, 7 and 9-18 have been previously cancelled.

In the Final Office Action dated August 6, 2010, the Examiner rejected claims 1, 3, 6 and 8.

With this Amendment, claim 1 was amended. No new matter has been introduced as a result of the Amendment.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3 and 6 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious over Sonoda, et al. (U.S. Publication No. 2002/0028389) in view of Oyama et al. (WO 02/33765) and Okamoto et al. (U.S. Publication No. 2003 0027050). Applicant respectfully traverses this rejection.

The claims require a battery that includes an anode active material layer that includes at least one of a simple substance of silicon, silicon alloys and silicon compounds. None of the above cited references teach an anode active material that includes the same materials required by the claims. As such, the above cited references, taken either singularly or in combination with each other fail to teach or even fairly suggest all the required elements of the claims. Therefore, claims 1, 3, 6 and 8 are patentable over the cited references and Applicants respectfully request the above rejection be withdrawn.

## **II. Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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